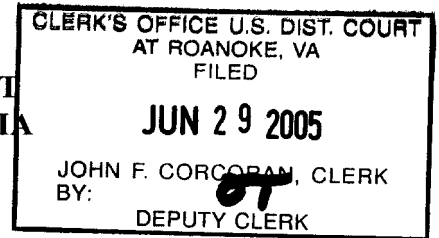


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



RANDALL CECIL ROBERTSON,

Petitioner,

v.

GENE M. JOHNSON, Director of
Virginia Department of Corrections,

Respondent.

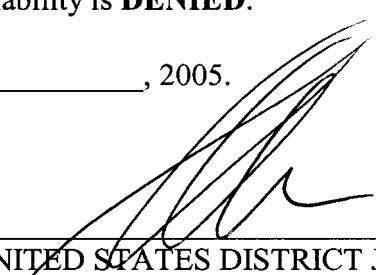
Civil Action No. 7:04cv00691

MEMORANDUM OPINION
AND ORDER

By: Samuel G. Wilson
United States District Judge

This matter is before the court on petitioner Randall Cecil Robertson's motion for a certificate of appealability in this 28 U.S.C. § 2254 action. In his petition, Robertson claimed actual innocence and ineffective assistance of counsel. On April 6, 2005, this court dismissed Robertson's petition, finding that Robertson's claim of actual innocence was not cognizable on federal habeas, that several of Robertson's ineffective assistance claims were exhausted but defaulted, and that the Supreme Court of Virginia had already adjudicated Robertson's remaining ineffective assistance claims and rendered decisions that were not contrary to clearly established federal law, based on an unreasonable application of federal law, or based on an unreasonable determination of the facts. Finding that Robertson has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. 2253(c)(1), it is **ORDERED** and **ADJUDGED** that his request for a certificate of appealability is **DENIED**.

ENTER: This 29th day of June, 2005.


UNITED STATES DISTRICT JUDGE